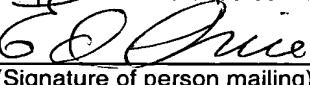
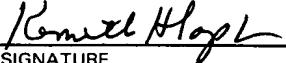


<b>TRANSMITTAL LETTER TO THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US) CONCERNING A FILING UNDER 35 U.S.C. 371</b>		ATTORNEY DOCKET NUMBER <b>83518</b>
		U.S. APPLICATION NO. (if known, see 37 CFR 1.5) <b>10/511,888</b>
INTERNATIONAL APPLICATION NO. <b>PCT/EP03/04030</b>	INTERNATIONAL FILING DATE <b>April 17, 2003</b>	PRIORITY DATE CLAIMED <b>April 19, 2002</b>
TITLE OF INVENTION <b>MATRIX COMPRISING A BIOACTIVE COMPONENT CONTAINING PHOSPHOLIPID</b>		
APPLICANT(S) FOR DO/EO/US <b>Cremer et al.</b>		
Applicant herewith submits to the United States Designated/Elected Office (DO/EO/US) the following items and other information:		
<p>1. <input type="checkbox"/> This is a <b>FIRST</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>2. <input checked="" type="checkbox"/> This is a <b>SECOND</b> or <b>SUBSEQUENT</b> submission of items concerning a filing under 35 U.S.C. 371.</p> <p>3. <input type="checkbox"/> This express request to begin national examination procedures (35 U.S.C. 371(f)). The submission must include items (5), (6), (9) and (21) indicated below. Please do not delay examination until the expiration of the applicable time limit set in 35 U.S.C. 371(b) and PCT Articles 22 and 39(1).</p> <p>4. <input type="checkbox"/> The US has been elected (Article 31).</p> <p>5. <input type="checkbox"/> A copy of the International Application as filed (35 U.S.C. 371(c)(2)).        a. <input type="checkbox"/> is attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> has been communicated by the International Bureau.        c. <input type="checkbox"/> is not required, as the application was filed in the United States Receiving Office (RO/US).</p> <p>6. <input type="checkbox"/> An English language translation of the International Application as filed (35 U.S.C. 371(c)(2)).        a. <input type="checkbox"/> is attached hereto.        b. <input type="checkbox"/> has been previously submitted under 35 U.S.C. 154(d)(4).</p> <p>7. <input type="checkbox"/> Amendments to the claims of the International Application under PCT Article 19 (35 U.S.C. 371(c)(3)).        a. <input type="checkbox"/> are attached hereto (required only if not communicated by the International Bureau).        b. <input type="checkbox"/> have been communicated by the International Bureau.        c. <input type="checkbox"/> have not been made; however, the time limit for making such amendments has NOT expired.        d. <input type="checkbox"/> have not been made and will not be made.</p> <p>8. <input type="checkbox"/> An English language translation of the amendments to the claims under PCT Article 19 (35 U.S.C. 371(c)(3)).</p> <p>9. <input checked="" type="checkbox"/> An oath or declaration of the inventor(s) (35 U.S.C. 371(c)(4)).</p> <p>10. <input type="checkbox"/> An English language translation of the annexes to the International Preliminary Examination Report under PCT Article 36 (35 U.S.C. 371(c)(5)).</p>		
<b>Items 11. to 20. below concern document(s) or information included:</b>		
<p>11. <input type="checkbox"/> An Information Disclosure Statement under 37 CFR 1.97 and 1.98, PTO/SB/08a Substitute for Form 1449A/PTO and references as indicated.</p> <p>12. <input checked="" type="checkbox"/> An Assignment document for recording. A separate cover sheet in compliance with 37 CFR 3.28 and 3.31 is included.</p> <p>13. <input checked="" type="checkbox"/> A Supplemental Preliminary Amendment.</p> <p>14. <input type="checkbox"/> An Application Data Sheet under 37 CFR 1.76.</p> <p>15. <input type="checkbox"/> A substitute specification.</p> <p>16. <input type="checkbox"/> A power of attorney and/or change of address letter.</p> <p>17. <input type="checkbox"/> A computer-readable form of the sequence listing in accordance with PCT Rule 13ter.2 and 37 CFR 1.821-1.825.</p> <p>18. <input type="checkbox"/> A second copy of the published international application under 35 U.S.C. 154(d)(4).</p> <p>19. <input type="checkbox"/> A second copy of the English language translation of the international application under 35 U.S.C. 154(d)(4).</p> <p>20. <input checked="" type="checkbox"/> Other items or information: <b>Notification of Missing Requirements Under 35 U.S.C. 371, Response to Missing Requirements</b></p>		
<b><u>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</u></b>		
"Express Mail" Mailing Label Number <u>EV 513605066 US</u>		
Date of Deposit <u>5/26/05</u>		
I hereby certify that this paper or fee is being deposited with sufficient postage utilizing the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to Mail Stop PCT, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.		
<u>ED PRICE</u> (Typed or printed name of person mailing)		
 (Signature of person mailing)		

U.S. APPLICATION NO. <i>(if known, see 37 CFR 1.5)</i> <b>10/511,888</b>	INTERNATIONAL APPLICATION NO. <b>PCT/EP03/04030</b>	ATTORNEY DOCKET NUMBER <b>83518</b>			
17. <input type="checkbox"/> The following fees are submitted:		<u>CALCULATIONS PTO USE ONLY</u>			
<b>BASIC NATIONAL FEE (37 CFR 1.492(a)(1)-(5)):</b> <p>Neither international preliminary examination fee (37 CFR 1.482) nor international search fee (37 CFR 1.445(a)(2)) paid to USPTO and International Search Report not prepared by the EPO or JPO . . . . . \$1080.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but International Search Report prepared by the EPO or JPO . . . . \$ 950.00</p> <p>International preliminary examination fee (37 CFR 1.482) not paid to USPTO but international search fee (37 CFR 1.445(a)(2)) paid to USPTO \$ 770.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO but all claims did not satisfy provisions of PCT Article 33(1)-(4) . . . . . \$ 730.00</p> <p>International preliminary examination fee (37 CFR 1.482) paid to USPTO and all claims satisfied provisions of PCT Article 33(1)-(4) . . . . . \$ 100.00</p>					
<b>ENTER APPROPRIATE BASIC FEE AMOUNT =</b>		\$ 0.00			
Surcharge of \$130.00 for furnishing the oath or declaration later than 30 months from the earliest claimed priority date (37 CFR 1.492(e)).		\$			
CLAIMS	NUMBER FILED	NUMBER EXTRA	RATE		
Total claims	16	- 20 =	0	x \$18.00	\$ 0.00
Independent Claims	1	- 3 =	0	x \$86.00	\$ 0.00
MULTIPLE DEPENDENT CLAIM(S) (if applicable)				\$290.00	\$
				<b>TOTAL OF ABOVE CALCULATIONS =</b>	\$ 0.00
Applicant(s) assert entitlement to Small Entity Status (37 CFR 1.27), thus reducing the filing fee by half to:				\$	0.00
				<b>SUBTOTAL =</b>	\$ 0.00
Processing fee of \$130.00 for furnishing the English translation later than 30 months from the earliest claimed priority date (37 CFR 1.492(f)).				\$	130.00
				<b>TOTAL NATIONAL FEE =</b>	\$ 130.00
Fee for recording the enclosed assignment (37 CFR 1.21(h)). The assignment must be accompanied by an appropriate cover sheet (37 CFR 3.28, 3.31). \$40.00 per property.				\$	40.00
				<b>TOTAL FEES ENCLOSED =</b>	\$ 170.00
06/01/2003 SNMJJRRD 00000053 061135 10511888				AMOUNT TO BE:	
01 FC:1618 130.00 DA				Refunded	\$
				Charged	\$
18. <input type="checkbox"/> A check in the amount of \$ _____ to cover the above fees is enclosed.					
19. <input checked="" type="checkbox"/> Please charge my Deposit Account No. 06-1135 in the amount of \$ <u>170.00</u> to cover the above fees. A duplicate copy of this sheet is enclosed. ( <i>Trans. Nos. 22227 and 22228</i> ).					
20. <input checked="" type="checkbox"/> The Director is hereby authorized to charge any additional fees which may be required, or credit any overpayment to Deposit Account No. 06-1135. A duplicate copy of this sheet is enclosed.					
<i>NOTE: Where an appropriate date limit under 37 CFR 1.494 or 1.495 has not been met, a petition to revive (37 CFR 1.137(a)) must be filed and granted to restore the application to pending status.</i> 06/01/2003 SNMJJRRD 00000053 061135 10511888 01 FC:1618 130.00 CR					
SEND ALL CORRESPONDENCE TO:					
FITCH, EVEN, TABIN & FLANNERY 120 South LaSalle Street, Suite 1600 Chicago, IL 60603-3406 U.S.A.			 SIGNATURE Kenneth H. Samples NAME		
Telephone: (312) 577-7000 Facsimile: (312) 577-7007			25,747 REGISTRATION NUMBER		



**UNITED STATES PATENT AND TRADEMARK OFFICE**

59  
KHC/LJS

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
PO. Box 1450  
Alexandria, Virginia 22313-1450  
[www.uspto.gov](http://www.uspto.gov)

U.S. APPLICATION NUMBER NO.	FIRST NAMED APPLICANT	ATTY. DOCKET NO.
10/511,888	Dirk Cremer	5942 - 83518
INTERNATIONAL APPLICATION NO.		
PCT/EP03/04030		
IA. FILING DATE		PRIORITY DATE
04/17/2003		04/19/2002
<b>CONFIRMATION NO. 4210</b>		
<b>371 FORMALITIES LETTER</b>		
 *OC000000015639063*		

Date Mailed: 04/04/2005

Due 6/4/05

**NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371 IN THE UNITED STATES DESIGNATED/ELECTED OFFICE (DO/EO/US)**

The following items have been submitted by the applicant or the IB to the United States Patent and Trademark Office as a Designated / Elected Office (37 CFR 1.495).

- Copy of the International Application filed on 10/19/2004
- English Translation of the IA filed on 10/19/2004
- Copy of the International Search Report filed on 10/19/2004
- Copy of IPE Report filed on 10/19/2004
- Copy of Annexes to the IPER filed on 10/19/2004
- English Translation of Annexes to the IPE filed on 10/19/2004
- Preliminary Amendments filed on 10/19/2004
- Oath or Declaration filed on 10/19/2004
- U.S. Basic National Fees filed on 10/19/2004

The following items **MUST** be furnished within the period set forth below in order to complete the requirements for acceptance under 35 U.S.C. 371:

- Oath or declaration of the inventors, in compliance with 37 CFR 1.497(a) and (b), identifying the application by the International application number and international filing date. The current oath or declaration does not comply with 37 CFR 1.497(a) and (b) in that it:
  - is not executed in accordance with either 37 CFR 1.66 or 37 CFR 1.68.
- \$130 Surcharge for providing the oath or declaration later than 30 months from the priority date (37 CFR 1.492(e)) is required.

**SUMMARY OF FEES DUE:**

Total additional fees required for this application is **\$130** for a Large Entity:

- \$130 Late oath or declaration Surcharge.

Additionally the following defects have been observed:

- Annexes have not been entered because the IPER annexes are not a page for page substitution.

**ALL OF THE ITEMS SET FORTH ABOVE MUST BE SUBMITTED WITHIN TWO (2) MONTHS FROM THE DATE OF THIS NOTICE OR BY 32 MONTHS FROM THE PRIORITY DATE FOR THE APPLICATION, WHICHEVER IS LATER. FAILURE TO PROPERLY RESPOND WILL RESULT IN ABANDONMENT.**

The time period set above may be extended by filing a petition and fee for extension of time under the provisions of 37 CFR 1.136(a).

Applicant is reminded that any communications to the United States Patent and Trademark Office must be mailed to the address given in the heading and include the U.S. application no. shown above (37 CFR 1.5)

*A copy of this notice **MUST** be returned with the response.*

KAREN M WILLIAMS

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Telephone: (703) 308-9140 EXT 213

**PART 1 - ATTORNEY/APPLICANT COPY**

U.S. APPLICATION NUMBER NO.	INTERNATIONAL APPLICATION NO.	ATTY. DOCKET NO.
10/511,888	PCT/EP03/04030	83518

FORM PCT/DO/EO/905 (371 Formalities Notice)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Appn No.:	<b>10/511,888</b>	)	Confirmation No. <b>4210</b>
Filed:	<b>October 19, 2004</b>	)	<hr/>
Applicant(s):	<b>Cremer et al.</b>	)	<b>CERTIFICATE OF MAILING BY "EXPRESS MAIL"</b>
Title:	<b>MATRIX CONTAINING A BIOACTIVE COMPONENT CONTAINING PHOSPHOLIPID</b>	)	"Express Mail" Mailing Label Number <b>EVM13805066US</b>
Art Unit:	<b>1616</b>	)	Date of Deposit <b>MAY 26 2005</b>
Examiner:	<b>Not Yet Assigned</b>	)	I hereby certify that this paper or fee is being deposited with the United States Postal Service "Express Mail Post Office to Addressee" Service under 37 CFR §1.10 on the date indicated above and is addressed to the Mail Stop PCT, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450. <b>Ed Price</b>
Attorney Docket No.:	<b>83518</b>	)	(Typed or printed name of person mailing) 
Customer No.:	<b>22242</b>	)	(Signature of person mailing)

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**RESPONSE TO NOTIFICATION OF MISSING REQUIREMENTS UNDER 35 U.S.C. 371**

Sir:

In response to the Notification of Missing Requirements Under 35 U.S.C. 371 dated 4/4/05,

- A copy of the Notification of Missing Requirements Under 35 U.S.C. 371 is enclosed.
- An executed Declaration for Patent Application, including Power of Attorney, is enclosed.
- Supplemental Preliminary Amendment
- An Assignment of the invention to Bioghurt Biogarde GmbH & Co. KG, and Recordation Form Cover Sheet - Patents Only - Form PTO-1595, are enclosed.
- A check in the amount of \$\_\_\_\_\_ to cover the fee for recording the assignment is enclosed.
- The Recordation Form Cover Sheet includes authorization to charge our Deposit Account for recording the assignment. Charge \$40.00 to Deposit Account No. 06-1135. (**Trans. No. 22228**).

Application No. 10/511,888  
Response dated 4/4/05  
Notice to File Missing Parts dated 5/5/05

Fee Calculation:

Fee Calculation For Claims As Filed

<input type="checkbox"/>	Provisional Application Basic Fee	\$ 160.00	<hr/>
	Surcharge under 37 C.F.R. §1.16(1)	\$ 50.00	<hr/>
<input type="checkbox"/>	Non-Provisional Utility Application Basic Fee	\$ 790.00	<hr/>
	Independent Claims <u>1</u> - <u>3</u> = <u>0</u> x \$ 88.00 = \$ 0.00	<hr/>	<hr/>
	Total Claims <u>16</u> - <u>20</u> = <u>0</u> x \$ 18.00 = \$ 0.00	<hr/>	<hr/>
	Fee for Multiply Dependent Claims	\$ 300.00	<hr/>
	Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	\$ 130.00 <hr/>
<input type="checkbox"/>	Design Application Basic Fee	\$ 350.00	<hr/>
	Surcharge under 37 C.F.R. §1.16(e)	\$ 130.00	<hr/>
	Total Filing and/or Surcharge Fee	\$ 130.00	<hr/>

Applicant(s) assert entitlement to Small Entity Status  
(37 C.F.R. § 1.27), reducing the Filing/Surcharge Fee by half to: \$ 0.00.

- A check in the amount of \$ \_\_\_\_\_ to cover the Filing and/or Surcharge Fee is enclosed.
- Charge \$ 130.00 to Deposit Account No. 06-1135. (*Trans. No. 22227*).
- The Commissioner is hereby authorized to charge any additional fees which may be required in this application under 37 C.F.R. §§1.16-1.17 during its entire pendency, or credit any overpayment, to Deposit Account No. 06-1135. Should no proper payment be enclosed herewith, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 06-1135. This sheet is filed in triplicate.

May 24, 2005  
Date

Kenneth H. Samples  
Kenneth H. Samples  
Registration No. 25,747

FITCH, EVEN, TABIN & FLANNERY  
120 South LaSalle Street, Suite 1600  
Chicago, Illinois 60603-3406  
Telephone: (312) 577-7000  
Facsimile: (312) 577-7007